

**D. REMARKS*****Status of Claims***

Claims 1-35 are pending in the application. Claims 1, 4-6, 10, 12-14, 18, and 20-22 are amended. Claims 3, 11, 19, and 35 are canceled.

***Specification***

The Examiner objected to informalities in the specification. [Office Action, p. 2] Applicants amend the specification to remove the informalities.

First, the Examiner cites an informality on page 18, line 18 that the "reference to Broker server 64 should be Broker server 54." [Office Action, p. 2] Applicants amend paragraph 0054 to reference broker server 54 instead of broker server 64.

Second, the Examiner cites an informality on page 19, line 14 that the "reference to Specializing application 64 should be Specializing application 68." [Office Action, p. 2] Applicants amend paragraph 0057 to reference specializing application 68 instead of specializing application 64.

Third, the Examiner cites an informality in Figures 14-16, that the reference numbers therein have been mixed and incorrectly cross-reference. [Office Action, p. 2] Applicants amend paragraph 0101 to refer to Figure 14, instead of referring to Figure 15. In addition, Applicants amend paragraph 0103 to refer to Figure 15, instead of referring to Figure 16. Applicants respectfully submit that in view of the amendments, the references to Figures 14 and 15 properly cross-reference to the drawings of Figures 14 and 15.

***Drawings***

The Examiner objected to the drawings for multiple reasons. [Office Action, p. 2] Applicants submit replacement sheets to replace each of the previously submitted drawings. The replacement sheets correct the Examiner's specific objections and comply with 37 CFR 1.121(d).

In particular, the Examiner objects to "Figure 1, item 22 should be labeled "bus"." [Office Action, p. 2] Applicants amend Figure 1, item 22 to include the label of "bus".

In addition, the Examiner objects to "Figure 1, item 34 should be labeled "network link"." [Office Action, p. 2] Applicants amend Figure 1, item 34 to include the label of "network link".

The Examiner objects to Figure 14 as failing to comply with 37 CFR 1.84(p)(5) because they include reference numeral 250 and 252 which are not mentioned in the specification. [Office Action, p. 2] Applicants note reference numerals 250 and 252 are referred to in the specification in paragraphs 0101 and 0102 with reference to Figure 15, which has been amended to refer to Figure 14 to correct the compliance failure.

As to the Examiner's objection that Figures 14-16 and the reference numbers therein have been mixed and incorrectly cross-referenced, as previously noted, Applicants amend paragraph 0101 to reference Figure 14 instead of Figure 15 and paragraph 0103 to reference Figure 15 instead of Figure 16 to correct the compliance failure.

### ***Lack of Anticipation under 35 USC § 102(e)***

#### **Claims 1, 7-10, 15-18, and 23-25 are not anticipated by Seaman**

Claims 1, 7-10, 15-18 and 23-25 are rejected under 35 U.S.C. 102 (e) as being anticipated by Pub No. U.S. 2002/0091536 A1 to Seaman et al. (further referred to as Seaman). [Office Action, p. 4] Applicants respectfully traverse these rejections. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Seaman does not teach each and every element of claims 1, 7-10, 15-18 and 23-25 or enable each and every element of these claims,

these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claim 1 is amended to read:

1. (Currently Amended) A method for coordinating a plurality of local and remote manufacturers for a manufacturing order, said method comprising the steps of:

facilitating user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products;

dividing ~~[[a]]~~ said customized manufacturing order for ~~[[a]]~~ said user into a plurality of manufacturable parts; ~~[[and]]~~

submitting a local bid request for said manufacturing order to ~~[[a]]~~ said plurality of local manufacturers;

receiving at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers, wherein said at least one local bid specifies a selection of said plurality of manufacturable parts required for producing said customized order; and

~~in response to receiving a plurality of local bids for said manufacturing order,~~ submitting a remote bid request to a plurality of remote manufacturers for ~~[[a]]~~ said selection of said plurality of manufacturable parts as requested in said at least one plurality of local bids.

In particular, Applicants have amended claim 1 to add the limitation of facilitating user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products. Support for this amendment can be found in Applicants' specification in paragraphs 0010, 0033, 0047-0050, 0059-0068, 0086-0089, 0098-0100. In addition, Applicants have amended claim 1 to include the limitation of receiving at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers, wherein said at least one local bid specifies a selection of said plurality of manufacturable parts required for producing said

customized order. Support for this amendment can be found in Applicants' specification in paragraphs 0056, 0057, 0069, 0070, 0081-0084, 0101, 0102. Therefore, no new matter is added with claim 1's amendment. Additionally, claims 10 and 18 are amended to include similar element as claim 1. The amendments in claims 10 and 18 find the same support in the specification as the amendments to claim 1 and therefore no new matter is added with claim 10 and 18's amendment.

Applicants' invention facilitates user selection of a customized manufacturing order, to be manufactured by a local manufacturer that locally distributes manufactured products without shipping. As noted in paragraph 0010 of the specification of Applicants' invention, there are certain types of products, whether perishable or requiring unique skill to manufacture, which would be more advantageous to receive from a local manufacturer that distributes products without shipping. The customized manufacturing order is first distributed to local manufacturers and bids are returned by the local manufacturers that indicate which manufacturable parts required for the order the local manufacturer will need from a remote manufacturer. Requests for the additional manufacturable parts required by local manufacturers are then distributed to remote manufacturers. Thus, the method describes coordinating the bidding process for a user submitting a single request for a customized manufacturing order for local accessibility, where local manufacturers may still need manufacturable parts from remote manufacturers.

In contrast, Seaman does not disclose the limitations of claim 1. In particular, Seaman does not disclose facilitating user selection of a customized manufacturing order to be manufactured by a local manufacturer from among a plurality of local manufacturers wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products. Seaman's description of an "A-source tool of the present invention automates supply chain processes which streamlines the manufacturing process" (Seaman, paragraph 0020) does not describe selection of a customized manufacturing order to be manufactured by a local manufacturer, where local manufacturer is specifically defined

based on the manufacturer's ability to provide distribution and accessibility to a finished product to the customer without shipping the product.

Therefore, because Seaman does not teach or enable each and every element of claim 1, Seaman does not anticipate claim 1 and the claim should be allowed. Claim 10 is a system claim including similar limitations of claim 1 and, therefore, is allowable for at least the same reason as claim 1. Claim 18 is a computer program product claim including similar limitations of claim 1 and, therefore, is allowable for at least the same reason as claim 1.

In addition, Applicants note that the Office Action uses *Imamura* to reject the limitation, in claim 3 of "facilitating said user in designing a personalized product; and in response to receiving a request to order said personalized product, adjusting said personalized product into said manufacturing order." [Office Action, p. 10] *Imamura* describes an interface for electronic catalogue producers to more easily update an electronic catalogue of products. *Imamura*, col. 1, line 58- col. 2, line 33. In particular, *Imamura* describes that the electronic catalogue producer may specify different options for a particular product, such as different sizes or colors that the product is available in. *Imamura*, col. 7, lines 32-50. In addition, *Imamura* describes that the electronic catalogue producer may alter product and product options. *Imamura*, col. 9, lines 19-23. Regardless of whether *Imamura* could read on "facilitating said user in designing a personalized product," Applicants respectfully assert that *Imamura* clearly does not disclose facilitating user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products. In particular, *Imamura* does not disclose facilitating user selection of a customized manufacturing order to be manufactured after placement of the customized manufacturing order and *Imamura* does not disclose a user selection of a local manufacturer who locally distributes manufactured products to the user without shipping the manufactured products. Therefore, neither Seaman or *Imamura* teaches facilitating

user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers, wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products. Furthermore, Applicants note, as will be further discussed, that Seaman cannot be applied in combination with another reference, such as Imamura against Applicants' invention under 35 USC 103(c).

*Claims 7-9, 15-17, and 23-25*

Each of dependent claims 7-9, 15-17, and 23-25 each depend, directly or indirectly, on one of the allowable independent claims 1, 10, and 18. Therefore, claims 7-9, 15-17, and 23-25 are also allowable for at least the same reasons that their respective independent claims are allowable as discussed above.

***Lack of Obviousness under 35 USC § 103(a)***

**Seaman cannot apply to 103(a) rejections under 103(c)**

Applicants respectfully note that under 103(c)(1) "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Applicants respectfully submit that Seaman (US Publication U.S. 2002/0091536) only qualifies as prior art in Applicants' invention under 102(e) and that Seaman and Applicants' invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person. In particular, both Seaman and Applicants' invention were subject to an obligation of assignment to International Business Machines Corporation. Therefore, under 103(c), Seaman shall not preclude patentability of claims 2, 4-6, 12-14, 20-22, and 26-34 which

are each rejected on the basis of Seaman in combination with another reference under 35 USC 103(a).

**Claim 2 is not obvious under Seaman in view of Wang**

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seaman as applied to claim 1 above, and further in view of Pub No. U.S. 2002/0087380 A1 to Wang et al (further referred to as Wang). [Office Action, p. 9] Applicants respectfully assert in addition claim 2 being allowable because Seaman shall not preclude patentability under 103(c), claim 2 is dependent upon allowable independent claim 1. Therefore, claim 2 is also allowable for at least the same reasons that independent claim 1 is allowable as discussed above.

**Claims 3-6, 11-14, 19-22, 26, 28, 32 and 34-35 are not obvious under Seaman in view of Imamura**

Claims 3-6, 11-14, 19-22, 26, 28, 32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaman as applied to claim 1 above, and further in view of Patent No. 6,128,600 to Imamura et al. (further referred to as Imamura). [Office Action, p. 9]

Claims 3, 11, 19, and 35 are canceled.

Claims 4-6, 12-14, and 20-22 are amended to maintain antecedent basis in view of amendments made to claims 1, 10, and 18. No new matter is added in the amendments.

Applicants respectfully assert in addition to claims 4-6, 12-14, and 20-22 being allowable because Seaman shall not preclude patentability under 103(c), claims 4-6, 12-14, and 20-22 are dependent upon allowable independent claims 1, 10, and 18. Therefore, claims 4-6, 12-14, and 20-22 are also allowable for at least the same reasons that their respective independent claims are allowable as discussed above.

In addition, with regard to claims 26, 29, and 32, Applicants have amended claims 26, 29, and 32 to clarify that claims 26, 29, and 32 are not taught by Seaman in view of Imamura.

Claim 26 is amended to read:

26. (Currently Amended) A method for customizing bids for a personalized product, said method comprising the steps of:  
 receiving a bid request for a personalized product at a local manufacturer, wherein said bid request comprises a plurality of manufacturable parts, wherein said local manufacturer locally distributes manufactured products without shipping said manufactured products; and  
 returning a bid offer for said personalized product specifying a selection of said plurality of manufacturable parts required to be provided by a remote manufacturer for said local manufacturer to manufacture said personalized product, such that said local manufacturer customizes said bid offer for said personalized product.

In particular, Applicants have amended claim 26 to add the limitation of, wherein said local manufacturer locally distributes manufactured products without shipping said manufactured products. Support for this amendment can be found in Applicants' specification in paragraphs 0010, 0033, 0047-0050, 0086-0089. In addition, Applicants have amended claim 1 to include the limitation of for said local manufacturer to manufacture said personalized product. Support for this amendment can be found in Applicants' specification in paragraphs 0010, 0033, 0049, 0050, 0070, and 0081-0084. Therefore, no new matter is added with claim 26's amendment. Additionally, claims 29 and 32 are amended to include similar element as claim 26. The amendments in claims 29 and 32 find the same support in the specification as the amendments to claim 26 and therefore no new matter is added with claim 29 and 32's amendment.

Applicants' invention facilitates a local manufacturer bidding on a personalized product to be manufactured by said local manufacturer and locally distributed without shipping. As noted in paragraph 0010 of the specification of Applicants' invention, there are certain types of products, whether perishable or requiring unique skill to manufacture, which would be more advantageous for a customer to receive from a local manufacturer that distributes products without shipping. A local manufacturer receives a bid request for a personalized product. The bid request includes multiple manufacturable parts. The local manufacturer returns a bid offer for manufacturing the product and specifies a selection of manufacturable parts the local manufacturer requires to be provided by a remote manufacturer. Thus, the method describes



enabling a local manufacturer to bid on personalized product requests for local distribution without shipping and to specify which manufacturable parts the local manufacturer will need further bidded out to remote manufacturers.

Applicants respectfully assert that Seaman cannot preclude patentability of claim 26 under 103(c). In addition, Applicants respectfully assert that Seaman in view of Imamura does not disclose the limitations of claim 26.

In particular, Seaman does not disclose facilitating accessing bids specifically from a local manufacturer which distributes products locally without shipping. Seaman's description of an "A-source tool of the present invention automates supply chain processes which streamlines the manufacturing process" (Seaman, paragraph 0020) does not describe specifically requesting bids for a product order from a local manufacturer specifically defined as a manufacturer which locally distributes manufactured products without shipping said manufactured products. Furthermore, Imamura does not teach this element.

Therefore, even if Seaman were applicable, Seaman in view of Imamura does not teach or suggest each and every element of claim 26. Therefore claim 26 is not obvious under Seaman in view of Imamura and the claim should be allowed. Claim 29 is a system claim including similar limitations of claim 26 and, therefore, is allowable for at least the same reason as claim 26. Claim 32 is a computer program product claim including similar limitations of claim 26 and, therefore, is allowable for at least the same reason as claim 26.

**Claims 27, 29-31, and 33 are not obvious under Seaman in view of Imamura and further in view of Wang**

Claims 27, 29-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaman in view of Imamura and further in view of Wang. [Office Action, p. 20] Applicants respectfully assert in addition to claims 27, 29-31, and 33 being allowable because Seaman shall not preclude patentability under 103(c), claims 27, 29-31, and 33 are dependent upon allowable independent claims 26, 29, and 32.

Therefore, claims 27, 29-31, and 33 are also allowable for at least the same reasons that their respective independent claims are allowable as discussed above.

***Conclusion***

In view of the foregoing, Applicant respectfully requests that a corrected election requirement be issued. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



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